

Appellant's counsel was due to be out of the state from early Friday morning (8/20/10) to Tuesday evening (8/24/10). Because of this counsel dictated this motion on Thursday (8/19/10) with instructions to his secretary to file it Friday (8/20/10).

However, due to a miscommunication between counsel and his secretary, this motion is being filed today. As soon as counsel became aware of this oversight (this morning, 8/25/10), he advised the Clerk's office.

The reasons for this extension is that Appellants' counsel had a lengthy brief due in the Ninth Circuit on July 29, 2010 and has also had various other briefs due in State and Federal Court which required counsel's attention. Also, counsel did not receive the notice of filing of record until approximately two weeks ago. It was sent by email to a defunct email address. It was not until two weeks ago that counsel called the Montana Supreme Court clerk's office to determine why they had not sent said notice of filing. The clerk's office then sent a hard copy of the notice of filing to counsel's mailing address in Bozeman.

For these reasons, Appellant moves the court for a 30 day extension of time to file first brief.

DATED: August 25, 2010.

By: 

Terry F. Schaplow


Attorney for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2010, a copy of the foregoing was served upon the following by email and U.S. mail:

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